

**REMARKS**

Claims 1-20 are pending in this application with claims 1, 8, 13-15 and 18 being amended by this response.

**Objection to the Drawings**

The Drawings are objected to as containing hand-written reference numerals which are difficult to read. Attached please find replacement drawings which are properly labelled and address the concerns of the Examiner. It is respectfully submitted that no new matter is added by these replacement drawings. In view of the attached replacement drawings it is respectfully submitted that this objection is satisfied and should be withdrawn.

**Rejection of Claims 1-12 and 15-20 under 35 USC § 112, second paragraph**

Claims 1-12 and 15-20 are rejected under 35 USC 112, second paragraph as being indefinite. The claims have been formally amended in accordance with the comments of the Examiner to clarify the claims. In view of the amendments to the claims it is respectfully submitted that this rejection is satisfied and should be withdrawn.

**Rejection of Claims 1, 5-9, 11, 12 and 18-20 under 35 USC § 102(e)**

Claims 1, 5-9, 11, 12 and 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Gardner (US Patent No. 6,891,478).

The present claimed invention recites a method and apparatus for distributing an operating supply to a plurality of appliances. Each appliance is provided with a predetermined priority determined with respect to each of the plurality of appliances. The apparatus includes means for selectively connecting the plurality of appliances in order based upon the predetermined priority of each appliance. A plurality of sensors

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are provided. Each sensor is connected to a respective one of the plurality of  
appliances for sensing an operating state of the respective appliance. The apparatus  
distributes an operating supply to one of the plurality of appliances determined to be in  
an ON state and having a higher priority than any other of the plurality of appliances.  
Independent claims 1, 8 and 18 include features similar to those discussed above.

The present invention provides for sharing of a limited power supply by  
numerous appliances without the need to upgrade a power supply when power demands  
are increased due to the addition of appliances drawing power from the system.  
Generally power supplies have a limited capacity which may not be suitable for  
changing or increasing power demands. The number of appliances connected to  
receive power from a supply may produce a demand beyond the capacity of the supply.  
The present claimed invention prevents a drain on the supply by other appliances or  
groups of appliances when a higher priority appliance or group of appliances is  
determined to be operating in an ON state.

Gardner describes a system which monitors the load on a supply and assumes that  
a full load condition can be met. This system monitors the load status of a generator as  
well as the power required by appliances desirous of turning on and allowing or  
preventing an appliance from turning on based upon the difference between the  
available power supply and the power required by the appliance. When it is determined  
that a generator is operating at or near capacity, appliances are prevented from turning  
on.

This is unlike the present claimed invention which prioritizes appliances connected to a  
power supply and allows only the appliance with a highest priority and desirous of  
turning on from operating. Thus, Gardner neither discloses nor suggests “each  
appliance being provided with a predetermined priority, the predetermined priority for  
use of an appliance being determined with respect to each of the plurality of  
appliances” as in the present claimed invention. It thus follows that Gardner neither  
discloses nor suggests “means for selectively connecting the plurality of appliances  
together and to the operating supply in an order based upon the predetermined priority”

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of each appliance” as in the present claimed invention. The Office Action cites Figure 4 in asserting that each load of Gardner has its own set priority level and each load has its power consumption status monitored. The priorities discussed with respect to Figure 4 and the corresponding passages in the specification relate to time delays for start times of the appliances in seconds. The “priorities” of Gardner “determine the time in sequence at which power should be returned to the supported appliance.” As discussed in Column 12, lines 43-60, “when power is returned, the sudden start up load of all the appliances left on during the outage puts a heavy strain on the utility grid, potentially causing damage to the equipment on the grid.” “The interrupt switch 20 executes a delaying time sequence that causes the load of its appliances to be applied several seconds, or potentially a few minutes, after the utility power is returned...the delay sequence 257 is simply the assigned priority of the interrupt switch multiplied by a wait constant.” The priorities of Gardner identify when an appliance will receive power after startup. This is in contrast to the present claimed invention which sets a priority for use of an appliance whereby the appliance determined to be in an on state and having a highest priority is connected to the operating supply while other appliances are prevented from connecting to the operating supply. Gardner allows for interruption of a supply to a load for a predetermined period of time as opposed to the present claimed invention which connects the operating supply to the appliance determined to be in an on state and having a highest priority. Thus, Gardner neither discloses nor suggests “said apparatus distributes an operating supply to one of said plurality of appliances determined to be in an ON state and having a higher priority than any other of the plurality of appliances and preventing the other of the plurality of appliances from connecting to the operating supply” as in the present claimed invention.

In view of the above remarks and amendments to the claims, it is respectfully submitted that there is no 35 USC 112 enabling disclosure in Gardner which would anticipate the present claimed invention. Thus, it is further respectfully submitted that this rejection is satisfied and should be withdrawn.

Claims 2-4, 10 and 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gardner in view of Kohler (U.S. Patent No. 5,986,353).

Kohler describes an arrangement for the exclusive connection of electrical loads. The system of Kohler provides for plural electrical loads connected to a common power line and each individually energized by a separate user actuated line switch between the load and the line. This system allows for only one motor to be switched ON at a time or should one motor be given priority status, all other motors will be switched OFF when the priority motor is switched ON. However, Kohler, similarly to Gardner, neither discloses nor suggests neither discloses nor suggests “each appliance being provided with a predetermined priority, the predetermined priority for use of an appliance being determined with respect to each of the plurality of appliances” as in the present claimed invention. Kohler only accounts for providing priority status to a single motor and does not account for priority of the remaining motors. Thus, Kohler, similarly to Gardner, neither discloses nor suggests “means for selectively connecting the plurality of appliances together and to the operating supply in an order based upon the predetermined priority of each appliance” as in the present claimed invention. The above remarks apply to claims 1, 13 and 15 and as claims 2-4, 14 and 16-17 are dependent on claims 1, 13 and 15, respectively, these remarks also apply to these claims.

With respect to claim 8, Kohler neither discloses nor suggests “said apparatus distributes an operating supply to appliances within a group having a highest priority and each appliance within the group determined to be in an ON state of operation and having a higher priority than any other of the plurality of groups and preventing the other of the plurality of groups from connecting to the operating supply”. Kohler is only concerned with allowing a single motor to operate at a time. In Kohler, unless a motor is given priority, another motor will not be able to operate until a currently operating motor is turned OFF. This is in contrast to the present invention as claimed in claim 8 which allows a group of appliances to be connected to an operating supply

when the group has a priority over any other group of appliances and each appliance in the group is determined to be in an ON state. This is neither disclosed nor suggested by either of Gardner or Kohler when taken alone or in combination. As claim 10 is dependent on claim 8, it is respectfully submitted that the above remarks also apply to claim 10.

Additionally, there is no reason or motivation to combine Gardner and Kohler. Gardner is concerned with providing delays for the start times of appliances to account for power surges and allowing multiple appliances to be operating at a single time thereby obtaining a full load condition. Kohler operates on a completely opposite premise in which only a single motor is able to operate at any time. While Gardner is concerned with determining which appliances may operate to reach a threshold capacity for a generator while avoiding triggering a circuit breaker, Kohler works under an opposing premise of only allowing operation of a single motor to operate at any time. Thus, as Gardner and Kohler operate under opposing objectives, obtaining a full load condition as opposed to preventing operation of more than one motor, there is no reason or motivation to combine these references.

Additionally, even if these references were combined they still would not produce the present claimed invention. This combination would not even produce an operable invention. While Gardner attempts to introduce delay times into the application of an operating power to appliances accounting for initial power surges upon power up and thereby allow the system to operate numerous appliances to reach a full load condition, Kohler prevents more than one motor from operating at any one time. Thus, the purpose of Kohler contradicts the purpose of Gardner and each system would render the other ineffective.

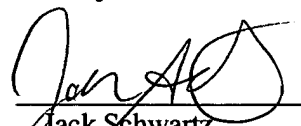
In view of the above remarks and amendments to the claims, it is respectfully submitted that there is no 35 USC 112 enabling disclosure in Gardner or Kohler, when taken alone or in combination, which would make the present claimed invention unpatentable. Thus, it is further respectfully submitted that this rejection is satisfied and should be withdrawn.

Having fully addressed the Examiner's rejections, it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at the phone number below, so that a mutually convenient date and time for a telephonic interview may be scheduled.

No fee is believed due. However, if a fee is due, please charge the fee to Deposit Account 50-2828.

Respectfully submitted,  
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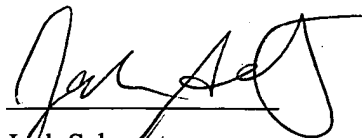
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CERTIFICATE OF MAILING

I hereby certify that this amendment is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

Date: March 2, 2006

  
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